UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,125	12/11/2001	Lawrence Steven Salant	455610-2510	1969

20999	7590	06/10/2004	

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EXAMINER
LAU, TUNG S

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/015,125	SALANT ET AL.
	Examiner	Art Unit
	Tung S Lau	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 5-13-2004 has been entered

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 18, 24, 28, 29, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19-

23, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chery et

al. (U.S. Patent 6,124,847).

Regarding claim 1:

Chery discloses an oscilloscope apparatus, comprising: a display for displaying a

plurality of received or processed data signals (fig. 1d, unit 34); a toolbar

comprising a plurality of choices displayed on said display (fig. 27a, unit 550, Col.

65, Lines 27-51); and a user interface for selecting one of said displayed data

signals (Col. 65, Lines 27-51), said display further displaying only the most

common items of said toolbar that apply to the selected data signal determined

by the characteristics of the selected data signal (Col. 65, Lines 27-51), the

selected data signal being defined as the data source for the items of the toolbar

Col. 65, Lines 27-51, fig. 27c).

Regarding claim 18:

Chery discloses an oscilloscope apparatus, comprising: a display for displaying a

plurality of received or processed data signals (fig. 1d, unit 34); a toolbar

comprising a plurality of choices displayed on said display (fig. 27a, 27b), a user

interface for selecting one of said displayed data signals displayed on said

display (fig. 27b, fig. 27c, unit 570, 574, 576), and a pop-up context sensitive

toolbar displayed on said display, said context sensitive toolbar displaying only

the most common items of said toolbar that apply to said selected data signal

determined by the characteristics of the selected data signal (Col. 65, Lines 27-

51), the selected data signal being defined as the data source for the items of the

toolbar (, fig. 27c, Col. 65, Lines 27-51).

Regarding claim 24:

Chery discloses a method for viewing a waveform on an oscilloscope, comprising

the steps of: displaying a plurality of received or processed data signals (fig. 11d,

unit 20, 36); displaying a toolbar comprising a plurality of choices; selecting one

of said data signals displayed on said display (fig. 27b); and displaying only the

most common items of said toolbar (Col. 65, Lines 27-51) that apply to the

selected data signal determined by the characteristics of the selected data signal

(Col. 65, Lines 27-51), the selected data signal being defined as the data source

for the items of the toolbar (fig. 11d).

Regarding claim 28

Chery discloses a method for viewing a waveform on an oscilloscope, comprising

the steps of displaying a plurality of received or processed data signals;

displaying a toolbar comprising a plurality of choices (Col. 65, Lines 27-51),

selecting one of said data signals displayed on said display (fig. 11d, fig, 27a, b);

and displaying a pop-up context sensitive toolbar, said context sensitive toolbar

displaying only the most common items of said toolbar (Col. 65, Lines 27-51)that

apply to said selected ' data signal determined by the characteristics of the

selected data signal (Col. 65, Lines 27-51), the selected data signal being

defined as the data source for the items of the toolbar (Col. 65, Lines 27-51, fig.

11d, 27b).

Regarding claim 29

Chery discloses an oscilloscope apparatus, comprising: an acquisition unit for

acquiring a waveform (Col. 65, Lines 27-51, fig. 11d, 27b); a processor for

processing said waveform to obtain a plurality of measurements (fig. 12, unit

238); a renderer for displaying said waveform and a plurality of received and

processed data signals respectively and showing the plurality of measurements

on a display (Col. 65, Lines 27-51, fig. 11d, 27b, fig. 12, unit 238, fig. 16a); a

toolbar comprising a plurality of choices displayed on said display (Col. 65, Lines

27-51, fig. 11d, 27b); and a user interface for selecting ' one of said data similar

displayed on said display (Col. 65, Lines 27-51, fig. 11d, 27b), said renderer

displaying only the most common items of said toolbar that apply to the selected

data signal determined by the characteristics of the selected data signal (Col. 65,

Lines 27-51, fig. 11d, 27b), the selected data signal being defined as the data

source for the items of the toolbar (Col. 65, Lines 27-51, fig. 11d, 27b).

Regarding claim 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19-23, 25-27 :

Chery discloses the data signal is a waveform (fig. 11c, unit 36); data is a

measurement signal (fig. 11c); curser value (fig. 11c, unit 10, 36); item is a

change type (fig. 11d, unit 36); item is a turn off (fig. 11d, unit 36); data is a

parameter (fig. 11d, unit 36); data is a trend (fig. 11d, unit 36); data is setup (fig.

11d, unit 36), is a histogram (fig. 11d, unit 36); data is a channel (fig. 11d, unit

36); is a setup channel (fig. 11d, unit 36), a define zoom (fig. 11d, unit 36, fig.

27b); is a meth trace (fig. 11d, unit 36); is a define measurement (fig. 11d, unit

36); data is a trace (fig. 11d, unit 36); data is a grid (fig. 11d, unit 36); toolbar are

predetermined (Col. 65, Lines 27-51, fig. 27a, b); prior use of the toolbar of the

data (fig. 27b); items is display with data signal (fig. 27b, fig. 11c); data based on

one or more value of the signal (fig. 11c).
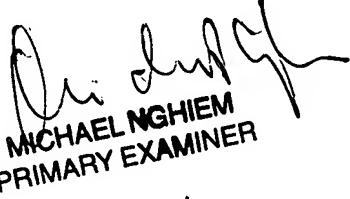
Response to Arguments

3.   Applicant's arguments with respect to claims 1, 18, 24, 28, 29, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 15, 16, 17, 19-23, 25-27 have been considered but are

moot in view of the new ground(s) of rejection. However, applicant's arguments

filed 3/31/2004 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show the displaying only the most

common item: of said toolbar that apply to the selected data signal determined by

the characteristics of the selected data signal the selected data signal being

defined as the data source for the items of the toolbar. Chery discloses

displaying only the most common items of said toolbar that apply to the selected

data signal determined by the characteristics of the selected data signal (Col. 65,

Lines 27-51), the selected data signal being defined as the data source for the

items of the toolbar Col. 65, Lines 27-51, fig. 27c).

4. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung S Lau whose telephone number is 571-272-2274.

The examiner can normally be reached on M-F 9-5:30. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can

be reached on 571-272-2269. The fax phone numbers for the organization where this

application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TL

MICHAEL NGHIEM
PRIMARY EXAMINER